

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:07CR3017
)
v.)
)
MICHAEL E. CARR,) **ORDER**
)
)
Defendant.))

Under the advisory Guidelines as they now stand, the defendant faces a minimum of 235 months in prison in this “crack” case. The Assistant Federal Public Defender filed a “Statement Regarding Presentence Report (filing 35) that essentially asked me to implement a proposed amendment to the “crack” Guidelines before the effective date of the amendment on November 1, 2007. If I did, such a decision would likely mean that the defendant’s sentence would be reduced by 47 months. I am reluctant to implement amendments to the Guidelines before they become effective. Nonetheless, I conferred with counsel for both parties. Defense counsel suggested that if I was not inclined to use the amendment until it became effective, I should continue sentencing in this case until after the effective date of the amendment. Since that request seemed both sensible and fair given the serious policy concerns about the existing “crack” Guidelines,

IT IS ORDERED that the Statement Regarding Presentence Report (filing 35) is denied. However, at the request of the defendant, sentencing is continued until Tuesday, November 6, 2007, at 12:00 noon.

June 11, 2007.

BY THE COURT

s/ Richard G. Kopf
United States District Judge